1	JASON M. FRIERSON United States Attorney Nevada Bar No. 7709			
2				
3	KIMBERLY M. FRAYN Assistant United States Attorney 501 Las Vegas Boulevard South, Suite 1100 Las Vegas, Nevada 89101 Tel: 702.388.6336/ Fax: 702.388.6418			
4				
5	Kimberly.Frayn@usdoj.gov Attorneys for the United States			
6				
7	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA			
8	DISTRICT	OF NEVADA		
9	UNITED STATES OF AMERICA,	Case No. 2:22-mj-726-BNW		
10	Plaintiff,	Stipulation to Extend Deadlines to		
	v.	Conduct Preliminary Hearing and File Indictment		
11	SHAVONTE HILL,	(Sixth Request)		
12	Defendant.			
13	Detendant.			
14				
15	IT IS HEREBY STIPULATED AND AGREED, by and between Jason M.			
16	Frierson, United States Attorney, and Kimberly M. Frayn, Assistant United States			
17	Attorney, counsel for the United States of America, and Andrew Leavitt, Esq., counsel for			
18	Defendant Shavonte Hill, that the Court vacate the Preliminary Hearing schedule for June			
19	12, 2023, and continue it for 30 days. This request requires that the Court extend two			
20	deadlines: (1) that a preliminary hearing be conducted within 14 days of a detained			
21	defendant's initial appearance, see Fed. R. Crim. P. 5.1(c); and (2) that an information or			
22	indictment be filed within 30 days of a defendant's arrest, see 18 U.S.C. § 3161(b).			
23	This stipulation is entered into for the following reasons:			
24				
4				

- 1. Defendant and Mr. Leavitt, Esq. need additional time to review the discovery, conduct any necessary follow up investigation, and engage in pretrial motion practice, if warranted, before the Preliminary Hearing. Also, the parties are continuing to communicate to see if this matter can be resolved by plea negotiation and defendant is considering a written plea agreement, which the government has provided. If so, the preliminary hearing could be vacated to conserve judicial resources once a change of plea hearing is held.
- 2. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the preliminary hearing within a reasonable time, but no later than 14 days after the initial appearance if the defendant is in custody"
- 3. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more times "
- 4. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), "[a]ny information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges."
- 5. Additionally, Defendant needs additional time to investigate potential defenses to make an informed decision as to how to proceed.
- 6. Accordingly, the parties jointly request that the Court schedule the preliminary hearing in this case no sooner than 30 days from the current hearing date, June 12, 2023.

1	7.	Defendant is in custody and	d agrees to the extension of the 14-day deadline
2	imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.		
3	§ 3161(b), provided that the information or indictment is filed on or before the date ordered		
4	pursuant to this stipulation.		
5	8.	The parties agree to the extension of that deadline.	
6	9.	Accordingly, the additiona	l time requested by this stipulation is allowed
7	under Federal Rule of Criminal Procedure 5.1(d).		
8	10. In addition, the parties stipulate and agree that the time between today and		
9	the preliminary hearing is excludable in computing the time within which the defendant		
10	must be indicted, and the trial herein must commence pursuant to the Speedy Trial Act, 18		
11	U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i)		
12	and (iv).		
13	11.	This is the sixth request for	an extension of the deadlines by which to conduct
14	the preliminary hearing and to file an indictment.		
15	DATED this 8th day of June, 2023.		
16			Respectfully submitted,
17			JASON M. FRIERSON
18			United States Attorney
19	/s/Andrew Leavitt, Esq. ANDREW LEAVITT, ESQ.	<u>/s/Kimberly M. Frayn</u> KIMBERLY M. FRAYN	
20	Counsel for Defendant HILL		Assistant United States Attorney
21			
22			
23			
24			
	1		

24

UNITED STATES DISTRICT COURT **DISTRICT OF NEVADA**

2 3 UNITED STATES OF AMERICA, Case No. 2:22-mj-726-BNW Order on Stipulation to 4 Plaintiff, **Extend Deadlines to Conduct** 5 v. **Preliminary Hearing and** File Indictment 6 SHAVONTE HILL, 7 Defendant. 8 9 Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv): IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for June 12, 2023 be vacated and continued to July 7, 2023 at 3:30 p.m. DATED: June 8, 2023. BRENDA N. WEKSLER UNITED STATES MAGISTRATE JUDGE 23